

AMENDED IN ASSEMBLY MARCH 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1089

Introduced by Assembly Member Alejo

February 18, 2011

An act to amend Section ~~77003~~ of the Government Code, 185 of the Code of Civil Procedure, relating to courts.

LEGISLATIVE COUNSEL’S DIGEST

AB 1089, as amended, Alejo. ~~Trial court funding. Translation of court proceedings.~~

Existing law requires an interpreter to be sworn to interpret for a witness who is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury. Existing law also requires an interpreter to be present at specified family court proceedings in which a party does not proficiently speak or understand the English language to interpret and assist communications between the party and his or her attorney. Existing law requires judicial proceedings to be conducted, preserved, and published in English, but nothing in this provision prohibits a court from providing an unofficial translation of specified court orders in a language other than English.

This bill would authorize a bilingual judge, notwithstanding any other law, to provide an unofficial translation of preliminary court procedures that do not bear on any substantive right of a party when a court interpreter is not immediately available.

~~Existing law establishes the Trial Court Trust Fund, the proceeds of which are required to be apportioned for authorized purposes, including apportionment to the trial courts to fund trial court operations. Existing~~

~~law, for the purpose of funding trial court operations, authorizes the Judicial Council to establish bank accounts for the superior courts, into which shall be deposited all moneys appropriated in the Budget Act and allocated or reallocated to each court by the Judicial Council, moneys held in trust, and other moneys as deemed necessary or appropriate. “Court operations” is defined for these purposes.~~

~~This bill would make technical, nonsubstantive changes to the provisions defining court operations.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 185 of the Code of Civil Procedure is*
2 *amended to read:*

3 185. (a) Every written proceeding in a court of justice in this
4 state shall be in the English language, and judicial proceedings
5 shall be conducted, preserved, and published in no other. Nothing
6 in this section shall prohibit a court from providing an unofficial
7 translation of a court order issued pursuant to Section 527.6 or
8 527.8 of the Code of Civil Procedure, or Part 1 (commencing with
9 Section 6200) of Division 10 of the Family Code, or Section 136.2
10 of the Penal Code, in a language other than English.

11 (b) *Notwithstanding any other law, a bilingual judge may*
12 *provide an unofficial translation of preliminary court procedures*
13 *that do not bear on any substantive right of a party when a court*
14 *interpreter is not immediately available.*

15 ~~(b)~~

16 (c) The Judicial Council shall, by July 1, 2001, make available
17 to all courts, translations of domestic violence protective order
18 forms in languages other than English, as the Judicial Council
19 deems appropriate, for protective orders issued pursuant to Section
20 527.6 or 527.8 of the Code of Civil Procedure, or Part 1
21 (commencing with Section 6200) of Division 10 of the Family
22 Code, or Section 136.2 of the Penal Code.

23 ~~SECTION 1. Section 77003 of the Government Code is~~
24 ~~amended to read:~~

25 ~~77003. (a) As used in this chapter, “court operations” means~~
26 ~~all of the following:~~

1 ~~(1) Salaries, benefits, and public agency retirement contributions~~
2 ~~for superior court judges and for subordinate judicial officers. For~~
3 ~~purposes of this paragraph, “subordinate judicial officers”:~~

4 ~~(A) Includes all commissioner or referee positions created prior~~
5 ~~to July 1, 1997, including positions created in the municipal court~~
6 ~~prior to July 1, 1997, which thereafter became positions in the~~
7 ~~superior court as a result of unification of the municipal and~~
8 ~~superior courts in a county, and including those commissioner~~
9 ~~positions created pursuant to former Sections 69904, 70141,~~
10 ~~70141.9, 70142.11, 72607, 73794, 74841.5, and 74908.~~

11 ~~(B) Includes any staff who provide direct support to~~
12 ~~commissioners.~~

13 ~~(C) Does not include commissioners or staff who provide direct~~
14 ~~support to the commissioners whose positions were created after~~
15 ~~July 1, 1997, unless approved by the Judicial Council, subject to~~
16 ~~availability of funding.~~

17 ~~(2) The salary, benefits, and public agency retirement~~
18 ~~contributions for other court staff.~~

19 ~~(3) Those marshals and sheriffs as the court deems necessary~~
20 ~~for court operations.~~

21 ~~(4) Court-appointed counsel in juvenile court dependency~~
22 ~~proceedings and counsel appointed by the court to represent a~~
23 ~~minor pursuant to Chapter 10 (commencing with Section 3150)~~
24 ~~of Part 2 of Division 8 of the Family Code.~~

25 ~~(5) Services and supplies relating to court operations.~~

26 ~~(6) Collective bargaining under Sections 71630 and 71639.3~~
27 ~~with respect to court employees.~~

28 ~~(7) Subject to paragraph (1) of subdivision (d) of Section 77212,~~
29 ~~actual indirect costs for county and city and county general services~~
30 ~~attributable to court operations, but specifically excluding, but not~~
31 ~~limited to, law library operations conducted by a trust pursuant to~~
32 ~~statute, courthouse construction, district attorney services,~~
33 ~~probation services, indigent criminal defense, grand jury expenses~~
34 ~~and operations, and pretrial release services.~~

35 ~~(8) Except as provided in subdivision (b), other matters listed~~
36 ~~as court operations in Rule 10.810 of the California Rules of Court,~~
37 ~~as it read on January 1, 2007.~~

1 ~~(b) However, “court operations” does not include collection~~
2 ~~enhancements as defined in Rule 10.810 of the California Rules~~
3 ~~of Court, as it read on January 1, 2007.~~

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